

**Translation**

**PATENT COOPERATION TREATY**

PCT/JP2003/010061



**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>PCT2003-1</b>	<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. <b>PCT/JP2003/010061</b>	International filing date (day/month/year) <b>07 August 2003 (07.08.2003)</b>	Priority date (day/month/year) <b>09 August 2002 (09.08.2002)</b>	
International Patent Classification (IPC) or national classification and IPC <b>C08J 3/12, 7/00</b>			
Applicant <b>NISSHINBO INDUSTRIES, INC.</b>			

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 6 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
  - ☐ (sent to the applicant and to the International Bureau) a total of \_\_\_\_\_ sheets, as follows:
    - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
    - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
  - ☐ (sent to the International Bureau only) a total of \_\_\_\_\_, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
- This report contains indications relating to the following items:
 

<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input checked="" type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application

Date of submission of the demand <b>04 March 2004 (04.03.2004)</b>	Date of completion of this report <b>06 July 2004 (06.07.2004)</b>
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ The international application as originally filed/furnished
- ☐ the description:
- pages \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ the claims:
- pages \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_, as amended (together with any statement) under Article 19
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ the drawings:
- pages \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	7, 8	YES
	Claims	1-6, 9-11	NO
Inventive step (IS)	Claims	7, 8	YES
	Claims	1-6, 9-11	NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

### 2. Citations and explanations

Claims 1-6, 9-11

Document 1 (JP 63-116695 A (Nitto Electric Industrial Co., Ltd.), 20 May 1988), cited in the international search report, discloses carrier particles for immobilizing a physiologically active substance, obtained by activating a carbodiimide by means such as adding an aqueous solution of a water-soluble carbodiimide to a latex which includes polymer particles having carboxyl groups, and then freeze-drying, and also discloses a process for producing the same (claims and examples 1-16).

Although document 1 above mentions a water-soluble carbodiimide, it does not mention a carbodiimide resin. However, since the scope of the carbodiimide resins in these inventions in the present application includes resins in which  $n$  in the repeating unit  $[-R-N=C=N]_n-$  is 1, the aforementioned water-soluble carbodiimide can be considered to be fall within the scope of the carbodiimide in these inventions in the present application.

Therefore, as production processes, the inventions set forth in claims 9-11 do not differ from the aforementioned invention disclosed in document 1 and are not novel. The inventions set forth in claims 1-6 relating to

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composite particles obtained by such a production process also do not differ from the aforementioned invention disclosed in document 1, and are not novel.

**Claims 7 and 8**

The inventions set forth in claims 7 and 8 are not disclosed in any of the documents cited in the international search report, and are not obvious to a person skilled in the art.

## Box No. VI Certain documents cited

## 1. Certain published documents (Rule 70.10)

Application No.  
Patent No.Publication date  
(day/month/year)Filing date  
(day/month/year)Priority date (valid claim)  
(day/month/year)

See supplemental sheet

## 2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure

Date of non-written disclosure  
(day/month/year)Date of written disclosure  
referring to non-written disclosure  
(day/month/year)

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**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: VI. 1.

JP 2003-268118 A      25.09.2003      13.03.2002 ..

[EX] claims